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Attorneys for Defendants  
REM CONSTRUCTION, INCORPORATED, FIDELITY  
AND DEPOSIT COMPANY OF MARYLAND, and  
COLONIAL CASUALTY AND SURETY COMPANY

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LAKE

SMB INDUSTRIES, INC., a California  
corporation dba METAL WORKS,

Plaintiff,

v.

REM CONSTRUCTION,  
INCORPORATED, a California  
corporation; et al.,

Defendants.

CASE NO. CV 406912

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF REPLY IN SUPPORT OF  
MOTION TO COMPEL FURTHER  
RESPONSES TO REQUESTS FOR  
PRODUCTION OF DOCUMENTS, SET  
ONE, AND MONETARY SANCTIONS**

Hearing Date: November 7, 2011  
Time: 9:00 a.m.  
Dept: 1  
Judge: Hon. David W. Herrick

Action Filed: March 26, 2010  
Trial Date: February 7, 2012

AND RELATED CROSS-ACTIONS

Defendant and cross-complainant REM Construction, Incorporated ("REM") asks the  
Court to take judicial notice of the following pleadings on file in this action pursuant to Evidence  
Code sections 452 and 453:

1. Opposition to Motion to Compel Compliance with Deposition Subpoena for  
Production of Business Records, filed October 25, 2011.

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1           2.       Declaration of Clare M. Gibson in Support of Opposition to Motion to Compel  
2 Compliance with Deposition Subpoena for Production of Business Records, filed October 25,  
3 2011.

4           3.       Reply in Support of Motion to Compel Compliance with Deposition Subpoena for  
5 Production of Business Records, filed October 31, 2011.

6           4.       Declaration of Treven I. Tilbury in Support of Reply in Support of Motion to  
7 Compel Compliance with Deposition Subpoena for Production of Business Records, filed  
8 October 31, 2011.

9 DATED: October 31, 2011

DOWNEY BRAND LLP

By: 

TREVEN I. TILBURY

Attorney for Defendant and Cross-Complainant  
REM CONSTRUCTION, INCORPORATED,  
FIDELITY AND DEPOSIT COMPANY OF  
MARYLAND, and COLONIAL CASUALTY  
AND SURETY COMPANY

**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Downey Brand LLP, 621 Capitol Mall, 18th Floor, Sacramento, California, 95814-4731. On October 31, 2011, I served the within document(s):

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF  
MOTION TO COMPEL FURTHER RESPONSES TO  
REQUESTS FOR PRODUCTION OF DOCUMENTS, SET  
ONE, AND MONETARY SANCTIONS**

- ☐ **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☐ **BY HAND:** by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ **BY MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Sacramento, California addressed as set forth below.
- ☒ **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service [**FED EX**] company for delivery to the addressee(s) on the next business day.
- ☐ **BY PERSONAL DELIVERY:** by causing personal delivery by \_\_\_\_\_ of the document(s) listed above to the person(s) at the address(es) set forth below.

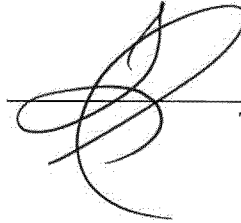
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Jane Curran Pandell, Esq. Donald K. Bussiere, Esq. PANDELL LAW FIRM, INC. 1990 N. California Blvd., Suite 1010 Walnut Creek, CA 94596 (925) 974-1700 FAX (925) 974-1709 <i>Attorneys for Quattrocchi Kwok Architects, Steven Peter Kwok and James Carlton Theiss</i>	

1 I am readily familiar with the firm's practice of collection and processing correspondence  
2 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same  
3 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on  
4 motion of the party served, service is presumed invalid if postal cancellation date or postage  
5 meter date is more than one day after date of deposit for mailing in affidavit.

6 I declare under penalty of perjury under the laws of the State of California that the above  
7 is true and correct.

8 Executed on October 31, 2011, at Sacramento, California.

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Trisha A. Doyle